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TAGS: [PGOV](#) [PREL](#) [HA](#)
SUBJECT: ROLE OF PM/PRESIDENT IN HAITI

Classified By: Ambassador Janet A. Sanderson for reason 1.4 (b)

¶1. (C) Introduction. President Preval is set to swear in Prime Minister Jacques Edouard Alexis, along with his new cabinet, on June 9, whereupon Alexis will officially assume his duties. The authors of Haiti's constitution of 1987 deliberately created a powerful prime minister to serve as a check and balance on the president and redress the dictatorial abuses of previous Haitian presidents. This message summarizes the respective constitutional roles of the president and the prime minister in paragraphs 2 and 3. Although the perceived power of the two offices is still skewed by a legacy of presidential dictators and the resulting popular notion that the president is the supreme power in the country, the Haitian constitution grants the prime minister considerable powers, including the primary responsibility for the day-to-day administration of the government. (Comment: The interim government functioned largely as the Haitian constitution envisioned, with Interim Prime Minister Latortue far more visible and active than President Alexandre. Unfortunately, the generally poor performance of the IGOH reinforced the need for a powerful president in the minds of many Haitians. End Comment.)

¶2. (C) Introduction Continued. While Alexis owes his position to his long-standing political loyalty to Preval, both men have declared that they intend to uphold their respective constitutional roles and generally promote the decentralization of political power in Haiti. Furthermore, based on Preval's demonstrated and self-admitted limited interest in detailed management of government affairs, we expect Alexis to become a powerful figure in his own right and assume the executive's role in managing his cabinet. That being said, Preval will keep for himself primary decision making responsibility for 2 key issues: foreign affairs and security. End Introduction.

Presidential Duties:

¶3. (U) - Serves as Head of State (Art. 133), guarantees the nation's independence and the integrity of its territory (Art 138).

- Appoints the prime minister (Art. 137)

- Accepts the resignation of the Prime Minister and the outgoing government in the event of a non-confidence vote of the NA (Art. 129-5)
- Signs all international treaties (and submits them to the NA for ratification) (Art. 139)
- Accredits envoys and receives accreditation from foreign ambassadors (Art. 139-1)
- Declares war, negotiates and signs peace treaties (with the approval of the NA) (Art. 140)
- Appoints:
 - CinC of the Armed Forces
 - Director General of the National Police
 - Ambassadors
 - Consul Generals
 (with approval of the NA) (Art. 143)
- Appoints:
 - Director General of the Civil Service
 - Delegates/Vice Delegates of Districts
 (Art. 142)
- Appoints the administrative councils of "autonomous agencies" (i.e., financially independent agencies, with approval of the Senate) (Art. 142)
- Enforces laws of the NA and exercises vetoes if necessary (Art. 144)
- Delivers a State of the Nation address to the NA (Art. 151)

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- Enforce judicial decisions (Art. 145)
- May commute sentences in Res judicata cases (i.e., a final and complete court decision) except in cases decided by the Supreme Court (Art. 146)
- Grants amnesty in political cases (Art. 147)
- Presides over the Council of Ministers (a weekly meeting of the Cabinet of Ministers) (Arts. 154, 166) (See Art. 149 for replacement of the president in the event the position becomes vacant)
- Appoints:
 - Supreme Court Justices
 - Judges
 - Justices of the Peace
 (Art. 175)
- Appoints 2 members to the Conciliation Commission (settles disputes between the Executive and the NA) (Art. 206)
- Appoints, with the President of the Senate and the President of the house of Deputies, the Protector of Citizens (Art. 207-1)
- Possesses no powers other than those granted in the Constitution (Art. 150)

 Powers of the Prime Minister:

14. (U) - Serves as the head of the government (Art. 133) subject to a vote of confidence by the National Assembly ("NA") (Art. 158)

- Appoints:

- The Cabinet of Ministers (with approval of the President and the NA)
 - The Secretaries of State to the Ministers (Art. 166)
- The PM may also be assigned a ministerial portfolio (Art. 162)

Submits his and his government's resignation to the President in the event of a non-confidence vote of the NA (Arts. 129-4, 137-1)

Appoints "government officials" as provided by law (Art. 160) (note: By statute, the PM also serves as the head of the CSPN (Conseil Supérieur de la Police Nationale) which supervises the National Police.)

- Shares responsibility with the President for national defense (Art. 159-1)
- Enforces laws and issues rules and regulations (Art. 159)
- Appears before the NA to support bills and objections of the President (Art. 161)
- Presides over the Council of Ministers in the President's temporary absence or temporary disability (Arts. 148, 159)

15. (C) Comment: On paper, the office of PM has the superior ability to influence the nation's domestic affairs as a result of powers to uphold the law and apply regulation and his leadership of the cabinet. Under better conditions with a more stable, well-funded government, the PM would indeed be the dominant constitutional player in Haitian government. However, taking into account the limited, often non-existent, capacity of governmental institutions, the president, most notably through its direct control of key patronage positions and access to presidential funds, as well as his traditional role as ultimate authority in the country, retains the ability to trump the prime minister if he so chooses. We do not necessarily expect tension to emerge between Preval and

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Alexis, but the potential remains. Haitians recognize this in the Creole proverb: "Konstitusyon se papye, bayonet se fe." (The constitution is paper, but the bayonet is steel.)
SANDERSON